



IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

Criminal No. 1:22-CR-30

v.

MARCUS ANTHONY RODRIGUEZ,

Defendant.

**STATEMENT OF FACTS**

The United States and the defendant, MARCUS ANTHONY RODRIGUEZ, (hereinafter, "the defendant"), agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. On or about January 14, 2022, in Stafford County, Virginia, within the Eastern District of Virginia, the defendant knowingly possessed two machineguns, in violation of Title 18, United States Code, Section 922(o).

2. On October 13, 2021, ATF special agents conducted a controlled purchase of an M16-type, 5.56mm NATO caliber, machinegun bearing no manufacturer's marks or serial number from the defendant for \$1,600.00. This controlled purchase occurred in Stafford, Virginia, in the Eastern District of Virginia. The defendant explained the operation of the firearm and stated that, "It's full auto."

3. Following the undercover controlled purchase, the firearm was function checked by ATF special agents. The firearm function checked as a machinegun.

4. On October 27, 2021, the ATF Firearms Technology Criminal Branch issued a Report of Examination regarding the firearm purchased from the defendant on October 13, 2021 concluding that the M16-type, 5.56mm NATO caliber, firearm bearing no manufacturer's marks or serial number is a machinegun as defined by Title 18 United States Code, Section 921(a)(23) and Title 26 United States Code, Section 5845(b).

5. On Friday, January 14, 2022, ATF, Naval Criminal Investigative Service, and United States Postal Inspection Service special agents and inspectors conducted a controlled purchase of two M16-type machineguns bearing no manufacturer's marks or serial numbers from the defendant for \$2,700.00. One of the M16-type machineguns was a 5.56 caliber and the other M16-type machinegun was a .300 Blackout caliber.

6. During the transaction, the defendant stated, "they're all full autos, they've got the sears in them." "Sears" refers to auto sears that are used to convert a semi-automatic rifle into a fully automatic machinegun.

7. Following the undercover controlled purchase, ATF special agents function checked the firearms in the field. Both firearms function checked as machineguns.

8. On both occasions the defendant sold the machineguns to the undercover ATF agents, he had knowledge the firearms were machineguns evidenced by his text messages and in person conversations with ATF special agents.

9. On or about January 28, 2022, the defendant was arrested pursuant to an arrest warrant for the above-described possession of machineguns.

10. Following his arrest, the defendant received his *Miranda* warnings and waived his rights. The defendant told ATF agents that he had sold an additional machinegun to E.J. for approximately \$1200.00

11. The statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it not intended to be a full enumeration of all the facts surrounding the defendant's case.

12. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,


Jessica D. Aber  
United States Attorney

Date: February 14, 2022

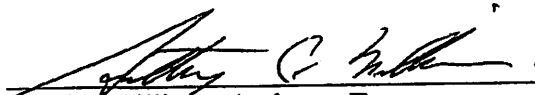
By: 

Nicholas J. Patterson  
Assistant United States Attorney  
Colin P. Norton  
Special Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, MARCUS ANTHONY RODRIGUEZ, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

  
MARCUS ANTHONY RODRIGUEZ

I am Marcus Anthony Rodriguez's defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

  
Charles Williams Anthony, Esq.  
Attorney for MARCUS ANTHONY RODRIGUEZ